

EXPRESS MAIL NO.: EL 451 599 156 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Dasseux, et al.

Application No.: 09/465,718

Filed: December 17, 1999

For: Apolipoprotein A-I Agonists and Their

Use to Treat Dyslipidemic Disorders

Group Art Unit: 1631

Examiner: Borin

Attorney Docket No.: 9196-01

Confirmation No.: 9219

TERMINAL DISCLAIMER

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

Jean-Louis Dasseux, Renate Sekul, Klaus Büttner, Isabelle Cornut, Günther Metz, and Jean Dufourcq (hereinafter "Owners"), represent that they are the owners of the above identified application and U.S. Patent Nos. 6,004,925; 6,037,323; and 6,265,377.

The owners hereby disclaim the terminal part of any patent granted on the above identified application which would extend beyond the expiration date of U.S. Patent Nos. **6,004,925**; **6,037,323**; and **6,265,377** and hereby agree that any patent so granted on the above identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. **6,004,925**; **6,037,323**; and **6,265,377**.

The owners further agree that this agreement is to run with any patent granted on the above identified application and is to be binding upon the grantee, its successors, and assigns.

The owners do not disclaim any terminal part of any patent granted on the aboveidentified application prior to the expiration date of the full statutory term of U.S. Patent Nos.
6,004,92566,8373323; and 6,265,377 in the event that said patents later: expire for failure to
pay a maintenance fee, are held unenforceable, are found invalid, are statutorily disclaimed in
whole or terminally disclaimed under 37 C.F.R. 1.321(a), have all claims canceled by a
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The undersigned hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted

Date: <u>December 18, 2002</u>

Tancis E. Morris

Reg. No. 24,615

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SUBJECT: DECISION ON TERMINAL DISCLAIMERS INFORMAL FORM

DATE: 1-1-63	APPL. S.N.: 691 46(7)
TO EXAMINER: M. BOYIL	ART UNIT:
ROOM	_ MAILROOM DATE 12/9π2
INSTRUCTIONS: I have reviewed the submitted T.D. with the appropriate form paragraphs identified by this informal memoral disagree with my analysis or have guestions at all about the a	ER OF T.D(S). FILED e results as set forth below. If you agree, please use the in your next office action to notify applicant about the T.D. If you cceptability of the T.D., please see me or our Special Program MO ONLY. IT MUST NOT BE MAILED TO APPLICANT, NOR
(i) The T.D. is PROPER and has been recorded. (See 14.2)	3).
[] The T.D. is NOT PROPER and has not been accepted for	or the reason(s) checked below. (See 14.24).
[] The recording fee of \$ has not been submitted to a deposit account. (See 14.26.07)	nor is there any pre authorization in the application file to charge
[] Application Examiner has not processed T.D. fee. (See fe	e authorization).
[] The T.D. does not satisfy Rule 321(b)(3) in that the perso (and/or the extent of the interest of the business entity represer 14.26.01).	n who has signed the T.D. has not stated his/her interest nted by the signature) in the application/patent. (See 14.26 and
[] The T.D. lacks the enforceable only during the common ow Rule 321(c). (See 14.27, 14.27.01).	vership clause needed to overcome a double patenting rejection,
[] It is directed to a particular claims(s), which is not acceptate term of the entire patent to be granted. MPEP 1490. (See 14.2)	ole since "the disclaimer must be of a terminal portion of the 26, 14.26.02).
[] The person who signed the terminal disclaimer: [] has falled to state his/her capacity to sign for the b [] is not recognized as an officer of the assignee, (S.	ousiness entity, (See 14.28). ee 14.29 and possibly 14.29.01).
[] No documentary evidence of a chain of title from the original and frame specified as to where such evidence is recorded in the documentary evidence or the specifying of the reel and frame manapplicant. (See 14.30).	e office 37 CER 3 73/b) /Sec 4440 O.C. 70) MOTE: TV
[] No "statement" specifying that the evidentiary documents ha knowledge and belief the title is in the assignee seeking to take a	ve been reviewed and that, to the best of the assignee's ction. 37 CFR 3.73(b). (See 1140 O.G. 72) (See 14.31).
[] The T.D. is not signed. (See 14.26, 14.26.3). or 14.26.03 if	TD is not signed by all the owners.
[] Attorney not of record in oath/decl. or a seperate paper filed a	appointing a new or associate attorney. (See 14.29.01).
[] The serial number of the application (or the number of the pa missing or incorrect. (See 14.32).	tent) which forms the basis for the double patenting is
[] The serial number of this application (or the number of the pa or incorrect. (See 14.26, 14.26.04 or 14.26.05).	tent in reexam or reissue case(s) being disclalmed is missing
[] The period disclaimed is incorrect or not specified. (See 14.2)	7, 14.27.2 or 14.27.3)(For Samples 14.27.04 and 14.27.05)
[] Other:	
[] Suggestion to request refund of \$ (See 14.35, 1	
[] EXAMINER NOTE: IF APPLICATION IS IN CONDITION FO MAY BE FAXED IN TO THE GROUP	R ALLOWANCE ANY OF THE ABOVE INFORMALTIES
FOR SAMPLE TERMINAL DISCLAIMERS AND CERTIFICATES:	
[] Sample of a TD over a pending application and assignee Certificate (See 14.37). [] Sample of a TD over a prior patent and assignee Certificate (See 14.38). [] Sample Assignee Certificate under 37 CFR 3.73 (b) (See 14.39)	